

Notice of Allowability**Application No.**

09/354,640

Examiner

CHUONG T. HO

Applicant(s)

GAN ET AL.

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/30/08.
2. ☒ The allowed claim(s) is/are 8,10,11,12,13,14,16,17,18,20-21 renumbered 1-11 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 06/23/08.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. The amendment filed 05/30/08 have been entered and made of record.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John E. Harrity on June 23, 2008 (571-432-0800).

3. The application has been amended as follows:

IN THE CLAIMS

Claim 8, line 11, replace "refining the path according to administrative constraints" by – refining the path according to administrative constraints, where the administrative constraints include bandwidth and hop limits, and --;

Claim 11, after line 8, insert – wherein the determining the initial route includes: determining a path from the source device to the destination device, refining the path according to administrative constraints, where the administrative constraints include bandwidth and hop limits, and establishing the path as the initial route: --;

Claim 13, after line 7, insert – wherein the determining the initial route includes:
determining a path from the source device to the destination device, refining the path
according to administrative constraints, where the administrative constraints include
bandwidth and hop limits, and establishing the path as the initial route ---;

Claim 14, line 5, replace “refining the path according to administrative constraints” by –
refining the path according to administrative constraints, where the administrative
constraints include bandwidth and hop limits ---;

Claim 17, after line 7, insert –wherein the determining the initial route includes:
determining a path from the source device to the destination device, refining the path
according to administrative constraints, where the administrative constraints include
bandwidth and hop limits, and establishing the path as the initial route; --;

Claim 18, after line 3, insert –determining a path from a source device to a destination
device; refining the path according to administrative constraints, where the
administrative constraints include bandwidth and hop limits; establishing the path as the
established route; --;

Allowable Subject Matter

4. Claims 8, 10, 11, 12, 13, 14, 16, 17, 18, 20-21 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

Claim 8 is allowed. Haskin et al. (6,813,242) discloses a system for forwarding packets from a source device to a destination device in network interconnected elements include nodes (2,3,4,5,6) and links, comprising: determining an initial route, the initial route including at least one alternative route enable node (5) and at least one alternative route enable node; detecting a failed element; and automatically forward packets on the alternative route without communicating with either the source or the destination (see col. 3, lines 20-22, col. 4, lines 35-40, col. 2, lines 35-45).

Hsing et al. (6,167,025) discloses the at least one non alternative route enabled node (figures 12, 3A, 3B, 3C, figure 16) storing an initial route from the source to the destination device; determining an alternative route by identifying the at least one alternative route enable node in the initial route, identifying downstream interconnected elements, and generating the alternative route based on the identified at least one alternative route enable node and the identified downstream interconnected elements; forwarding packets on the initial route (col.14, lines 33-43, The action taken by the switch 200 detecting a fault is a function of whether the switch is located upstream to a fault in which case the switch is an upstream neighboring switch or downstream in which case the switch is a downstream neighboring switch. Upstream neighboring switches are generally responsible for initiating the process of establishing an alternative path to the destination device while downstream neighboring switches are generally responsible for initiating the release of network capacity reserved by switches

which are no longer used as part of the path to communicate information between the source and destination devices.).

Katzela et al. (5,872,773) disclose determining the alternative route (redirection routes) includes: checking bandwidth (check resource) allocation (col.11, lines 5-7, If it has an entry, it initiates a Check-Resources-and-Cycles process to determine if the path r.sub.kl,n has sufficient resources on the links along the path to permit this redirection, and to ensure that no cycles are caused in the tree structure of the VPI V.sub.ln).

The prior art however fails to disclose refining the path according to administrative constraints, where the administrative constraints include bandwidth and hop limits.

Claims 11, 13, 14, 17, 18 are allowed. The prior art however fails to disclose refining the path according to administrative constraints, where the administrative constraints include bandwidth and hop limits.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571)272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EDAN ORGAD can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

07/15/08

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2619